

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, JUNE 20, 1989  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 10:33 a.m. The meeting was recessed by Mayor O'Connor at 12:02 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor O'Connor at 2:07 p.m. with Council Members Roberts, McColl, Pratt, Struiksma, Henderson, McCarty and Filner not present. A quorum was present at 2:14 p.m. with Council Member Henderson not present. Mayor O'Connor recessed the meeting at 6:47 p.m. to convene the Special Joint Council/Redevelopment Agency Meeting. The meeting was reconvened by Mayor O'Connor at 7:37 p.m. with Council Members McColl, Struiksma, Henderson and McCarty not present. Mayor O'Connor adjourned the meeting at 7:50 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
  - (1) Council Member Wolfsheimer-present
  - (2) Council Member Roberts-present
  - (3) Council Member McColl-present
  - (4) Council Member Pratt-present
  - (5) Council Member Struiksma-present
  - (6) Council Member Henderson-present
  - (7) Council Member McCarty-present
  - (8) Council Member Filner-present
- Clerk-Fishkin; Abdelnour (rb;tm)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member McColl-present
- (4) Council Member Pratt-present
- (5) Council Member Struiksma-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

\* ITEM-112: (R-89-2504 Rev.1) ADOPTED AS AMENDED AS RESOLUTION  
R-273808

19890620

Authorizing and directing the City Engineer to issue a special permit to Chevron Land and Development Company, to commence grading work in the subdivision known as North Torrey Pines Science Center, within the Hillside Review Overlay Zone, prior to the filing of the subdivision map, upon payment of all fees and presentation of full surety to cover all improvements which will be included in the Subdivision Improvement Agreement for North Torrey Pines Science Center.

(District-1.)

CITY MANAGER SUPPORTING INFORMATION: Section 102.0318 of the Municipal Code authorizes the City Engineer to issue a special permit to do work prior to the filing of a final subdivision map, except when the subdivision is located within the Hillside Review (HR) Overlay Zone. When the subdivision is in the HR Zone, City Council must authorize the issuance of a special permit to allow work to start before the final map is filed. The subdivider has requested that he be allowed to start grading immediately to assure establishment of erosion control measures prior to the rainy season. The tentative map, PID and HR were approved by the Subdivision Board on September 26, 1988. The Coastal Permit was approved on April 19, 1989. The improvement plans have been completed and the final map is expected to be ready for Council consideration in approximately

8 weeks. Before a special permit is issued by the City Engineer, if so authorized by Council, the subdivider will be

required to pay all fees and provide a full surety to cover all the improvements included in the Subdivision Improvement Agreement.

FILE LOCATION: SUBD - Torrey Pines Science Center Unit 1

COUNCIL ACTION: (Tape location: A054-228.)

MOTION BY WOLFSHEIMER TO APPROVE THE RECOMMENDATION BY DAVE ODELL, REPRESENTING THE LAND USE COMMITTEE OF THE LA JOLLA TOWN COUNCIL, TO AMEND THE RESOLUTION AS FOLLOWS: ON THE FOURTH LINE OF THE RESOLUTION INSERT THE WORDS "UNIT 1" AFTER THE WORDING "TO COMMENCE GRADING WORK." AT THE END OF THE RESOLUTION, ADD THE FOLLOWING WORDING: "AND UPON RECORDING OF APPROVED OPEN SPACE EASEMENTS AND ISSUANCE OF COASTAL PERMIT." Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksmay-yea, Henderson-not present, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-330:

Two actions relative to the Tierrasanta Facilities Benefit Assessment:

(Tierrasanta Community Area. District-7.)

Subitem-A: (R-89-2318) ADOPTED AS RESOLUTION R-273809

Designating an area of benefit in Tierrasanta and the boundaries thereof, confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to the Public Facilities Projects, the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in facilities benefit assessments, and proceedings thereto, and ordering the proposed public facilities project in the matter of the Tierrasanta Facilities Benefit Assessment Area.

Subitem-B: (R-89-2324) ADOPTED AS RESOLUTION R-273810

Declaring the assessment fee schedule contained in the Tierrasanta Public Facilities Financing Plan to be an

appropriate and applicable development impact fee for all properties within the Tierrasanta Community that have either never been assessed under the Tierrasanta Public Facilities Financing Plan or have not otherwise agreed to the payment of Facilities Benefit Assessment fees as prescribed by the City Council.

FILE LOCATION: STRT FB-10

COUNCIL ACTION: (Tape location: A229-283.)

Hearing began at 10:54 a.m. and halted at 10:58 a.m.

MOTION BY McCARTY TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksmma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-331:

Two actions relative to the North University City Facilities Benefit Assessment:

(North University City Community Area. District-1.)

Subitem-A: (R-89-2307) ADOPTED AS RESOLUTION R-273811

Designating an area of benefit in North University City and the boundaries thereof, confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to said Public Facilities Projects, the method for apportioning the costs of said public facilities projects among the parcels within the area of benefit and the amount of the facilities benefit assessments charged to each parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceedings thereto, and ordering the proposed public facilities project in the matter of the North University City Facilities Benefit Assessment Area.

Subitem-B: (R-89-2327) ADOPTED AS RESOLUTION R-273812

Declaring the assessment fee schedule contained in the North University City Public Facilities Financing Plan to be an appropriate and applicable development impact fee for all properties within the North University City Community that have either never been assessed under the North University City Public Facilities Financing Plan or have

not otherwise agreed to the payment of Facilities Benefit Assessment fees as prescribed by the City Council.

FILE LOCATION: STRT FB-1

COUNCIL ACTION: (Tape location: A284-366.)

Hearing began at 10:58 a.m. and halted at 11:03 a.m.

Testimony in opposition by Mr. Silverberg, representative of J. L. Construction Company.

MOTION BY WOLFSHEIMER TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-332:

Two actions relative to the North City West Facilities Benefit Assessment:

(North City West Community Area. District-1.)

Subitem-A: (R-89-2312) ADOPTED AS RESOLUTION R-273813

Adoption of a Resolution designating an area of benefit in North City West and the boundaries thereof, confirming the description of public facilities projects, the Community Financing Plan and Capital Improvement Program with respect to said public facilities projects, the method for apportioning the costs of said public facilities projects among the parcels within the area of benefit and the amount of the facilities benefit assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in facilities benefit assessments, and proceedings thereto, and ordering the proposed public facilities project in the matter of the North City West Facilities Benefit Assessment Area.

Subitem-B: (R-89-2326) ADOPTED AS RESOLUTION R-273814

Declaring that the assessment fee schedule contained in the North City West Public Facilities Financing Plan, as adopted and approved in Resolution R-273598, is an appropriate and applicable development impact fee for all properties within the North City West Community that have either never been assessed under the North City West Public Facilities Financing Plan or have not otherwise agreed to

the payment of Facilities Benefit Assessment fees as prescribed by the City Council.

FILE LOCATION: STRT FB-8

COUNCIL ACTION: (Tape location: A394-450.)

Hearing began at 11:06 a.m. and halted at 11:09 a.m.

MOTION BY WOLFSHEIMER TO ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-333: (O-89-228) NOTED AND FILED

19890620

A proposal to amend Chapter X, Article 1, Division 13, Section 101.1306 of the San Diego Municipal Code (Light Pollution Law) relating to a one-time exemption for a demonstration test site of alternative lighting for the Broadway Corridor and Gaslamp District.

(District-8.)

Introduction of an Ordinance amending the San Diego Municipal Code relating to the light pollution law.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A451-C040.)

Hearing began at 11:10 a.m. and halted at 11:56 a.m.

Testimony in favor by Craig Lee, Dorinda Smith, and Jim Ahern.

Testimony in opposition by Paul Peterson and Robert Brucato.

ADDITIONAL BUSINESS: (R-90-129) ADOPTED AS RESOLUTION  
R-273821

During consideration of the above regular business item, the following resolution was adopted.

Creating a task force to develop a plan for demonstration in the Gaslamp Quarter with the intent that a successful program could be utilized throughout downtown; to evaluate the standards city-wide for lighting fixtures.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A451-C040.)

MOTION BY FILNER TO DIRECT THE CITY MANAGER TO WORK WITH CCDC, THE PLANNING DEPARTMENT, CALTECH, AND THE GASLAMP QUARTER COUNCIL TO DEVELOP A PLAN FOR DEMONSTRATION IN THE GASLAMP QUARTER WITH THE INTENT THAT A SUCCESSFUL PROGRAM COULD BE UTILIZED THROUGHOUT DOWNTOWN. THAT PLAN SHOULD INVOLVE THE USE OF

CLEAR GLOBES, FOCUSING ELEMENTS, FACADE LIGHTING, LIGHTING MOUNTED ON TELEPHONE POLES, AND ALL THE OTHER ALTERNATIVES THAT DO NOT REQUIRE EXEMPTIONS FROM THE LIGHTING ORDINANCE. THE TASK FORCE IS TO DEVELOP A PLAN WITHIN THREE MONTHS FOR COUNCIL APPROVAL. TO ACCEPT COUNCIL MEMBER STRUIKSMA'S AMENDMENT TO DIRECT THE CITY MANAGER TO EVALUATE THE STANDARDS CITY-WIDE FOR LIGHTING FIXTURES. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-nay, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-334:

Four actions relative to the Sorrento Valley Road

Assessment District No. 4029:

(Torrey Pines Community Area. District-1.)

Subitem-A: (R-89-2450) ADOPTED AS RESOLUTION R-273815

Adoption of a Resolution determining unpaid assessments and the manner of payment thereof and listing bonds issued on the security thereof.

Subitem-B: (R-89-2451) ADOPTED AS RESOLUTION R-273816

Adoption of a Resolution awarding Limited Obligation Improvement Bonds of the City to the best bidder and rejecting all other bids.

Subitem-C: (R-89-2449) ADOPTED AS RESOLUTION R-273817

Adoption of a Resolution issuing Limited Obligation Bonds under the Improvement Bond Act of 1915; prescribing the form, maturities and interest rates for the bonds; providing for redemption prior to maturity; establishing a construction fund, a redemption fund, and a reserve fund; designating a paying agent, registrar and transfer agent for the bonds; making covenants to the bondholders, and making certain other findings and determinations.

Subitem-D: (R-89-2467) ADOPTED AS RESOLUTION R-273818

Adoption of a Resolution ordering further changes in proceedings taken pursuant to the Municipal Improvement Act of 1913, Division 12, of the Streets and Highways Code.

CITY MANAGER SUPPORTING INFORMATION: The City Council

approved the formation of the Sorrento Valley Road Assessment District and confirmed the assessments at the public hearing held on May 2, 1989. During the ensuing 30-day period the property owners were notified of their assessments and given the opportunity to pay all or any portion of their assessments. The 30-day cash payment period expired on June 2, 1989. As a part of the assessment proceedings, it is necessary that the Council make a determination of the unpaid assessments and authorize the issuance of the improvement bonds to represent the unpaid assessments levied against the property in the district. An error was made in the computation of the assessment to Parcel No. 2, resulting in an overcharge of \$7,410.46. The corresponding reduction will be absorbed from the project contingencies.

FILE LOCATION: STRT D-2234

COUNCIL ACTION: (Tape location: A372-393.)

Hearing began at 11:04 a.m. and halted at 11:05 a.m.

MOTION BY WOLFSHEIMER TO APPROVE STAFF RECOMMENDATION. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-335: UPDATE GIVEN

In the matter of an update on the Centre City Community Plan by Mr. Ernest W. Hahn and Planning Department staff. (District-8.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D035-E643.)

ITEM-336:

Proposal to amend the Peninsula Community Plan to apply the Community Plan Implementation Overlay Zone (Type B) to all commercially designated property within the Voltaire Commercial District. The purpose of the proposed overlay zone is to enhance the quality of development and strengthen the identity of Voltaire Street by providing additional guidelines for development not specified by the underlying, predominately CC, zoning. Application of this overlay zone will provide an opportunity for the Community Planning Board and Planning Department to review projects



proposed in this area.

The proposed plan amendment and rezoning also constitutes an amendment to the City of San Diego's Local Coastal Program (LCP). If approved, the proposed LCP amendment must be transmitted to the California Coastal Commission for review and final approval. The proposed LCP amendment would not become effective until after approval by the California Coastal Commission.

(District-2.)

Subitem-A: (R-89-2230) ADOPTED AS RESOLUTION R-273822

Adoption of a Resolution adopting the Type B Community Plan Implementation Overlay Zone as an amendment to the Peninsula Community Plan and Local Coastal Program.

Subitem-B: (O-89-224) INTRODUCED, TO BE ADOPTED JULY 10, 1989

Introduction of an Ordinance for Type B Community Plan Implementation Overlay Zone.

FILE LOCATION: LAND - Peninsula Community Plan

COUNCIL ACTION: (Tape location: F040-142.)

Hearing began at 3:38 p.m. and halted at 3:48 p.m.

Testimony in favor by Dorothy Darby, Douglas Childs, Ann Jackson and Bruce Peeling.

Testimony in opposition by W. C. Hembury.

MOTION BY ROBERTS TO APPROVE STAFF'S RECOMMENDATION. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksmay-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-337: CONTINUED TO JULY 18, 1989 AT 2:00 P.M.

Appeal of Cameron Moshtaghi, by Sandra J. Brower, Attorney, from the decision of the Planning Commission in denying Hillside Review / Resource Protection Overlay Zone Permit HRP & RPZ-88-0854, proposing to construct 2 two-story, single-family homes (4,600 square feet each) on separate parcels. The subject property (approximately 2.49-acres) is located on Racetrack View Road, south and east of Jimmy Durante Way, west of I-5 and north of Mango Way, in Zone R1-40000 (single-family residential), in the

Torrey Pines Community Plan area, and is further described as Parcels 1 and 2, Map-14043.

(HRP & RPOZ-88-0854. District-1.)

Subitem-A: (R-89- )

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration EMND-88-0854 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-89- )

Adoption of a Resolution granting or denying the appeal and granting or denying the HRP/RPZ permit, with appropriate findings to support Council action.

FILE LOCATION: PERM - HRP & RPOZ 88-0854

COUNCIL ACTION: (Tape location: D012-031; F142-G619.)

Hearing began at 3:48 p.m. and halted at 4:59 p.m.

Testimony in favor by Donald McDougal, Tom Langpap and Richard Heim.

Testimony in opposition by Opal Trueblood, Linda Michael, Victoria Bradshaw, John Bradshaw, Joanna Louis, MD., Vincent Patti, John Dilg, Cheryle DeWitt, and Sarah Dubin-Vaughn.

Motion by Wolfsheimer to uphold the decision of the Planning Commission and the Torrey Pines Community Planning Group to deny the project based on the following findings:

- (1) Environmentally sensitive area; (2) Scenic resources;
- (3) Geological provisions compliance; (4) Visual Compatibility;
- (5) General Plan conformance; and (6) Physical suitability.

Motion withdrawn.

MOTION BY WOLFSHEIMER TO CONTINUE TO JULY 18, 1989 AT 2:00 P.M. TO ALLOW PLANNING TIME TO COMPLY WITH DIRECTION TO REDESIGN THE PROJECT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksmay-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-338: (O-89-229) INTRODUCED, TO BE ADOPTED JULY 10, 1989

A proposal to approve a one-year extension of time to

Interim Ordinance O-17250 NS, commonly known as the Single-Family Neighborhood Protection Ordinance. The City Council adopted the interim Single-Family Neighborhood Protection Ordinance on August 9, 1988. The ordinance restricts the replacement of single-family dwellings in multi-family zones on lots containing only one dwelling unit. On February 21, 1989, the City Council amended this ordinance to provide for an early release

procedure through which permit applicants may obtain building permits upon authorization of the Planning Director. The amended Single-Family Neighborhood Protection Ordinance will expire on August 9, 1989, or upon completion of the neighborhood classification project to identify and map protected single-family neighborhoods throughout the City. The identification and mapping of such areas is proceeding and many areas have already been released from the provisions of the ordinance. However, community plan amendments and rezonings are necessary to implement single-family protection in several communities. Permanent protection of some of these areas is not anticipated until August 9th. In addition, in some coastal zone communities, rezonings will not go into effect until after they receive Coastal Commission approval. Therefore, the Planning Department is requesting that Single-Family Neighborhood Protection Ordinance No. O-17250 NS be extended for one year to allow planning staff additional time to process needed community plan amendments and rezonings necessary to implement the single-family protection program.

The proposed action will extend Ordinance No. O-17250 NS until August 9, 1990, or until all communities within the City of San Diego are released from the provisions of the ordinance, whichever occurs first. This extension of time is to be adopted as a regular interim ordinance.

(City-wide)

Introduction of an Ordinance for an extension of time to the interim ordinance.

FILE LOCATION:    - -

COUNCIL ACTION:   (Tape location: H068-125.)

Hearing began at 5:03 p.m. and halted at 5:08 p.m.

MOTION BY HENDERSON TO INTRODUCE AND TO DIRECT PLANNING TO PREPARE A WRITTEN REPORT WITHIN THIRTY DAYS ON THE EFFECT OF THE

SINGLE-FAMILY NEIGHBORHOOD PROTECTION ORDINANCE. REPORT SHOULD INCLUDE THE FOLLOWING: (1) MAPS OF PROTECTED AREAS IN EACH COMMUNITY PLAN; (2) AN APPROXIMATE COUNT OF SINGLE-FAMILY HOMES REZONED FOR PROTECTION IN EACH COMMUNITY; AND (3) A PROJECTION OF THE TOTAL NUMBER OF HOMES TO BE PROTECTED WHEN THE REZONING PROCESS IS COMPLETED. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-339: (O-89-216) CONTINUED TO JULY 24, 1989

Introduction of an Ordinance amending Ordinance 0-12543 N.S., adopted January 2, 1979, by granting a franchise to Cox Cable San Diego, Inc., to provide cable television service to a portion of the City of San Diego until the year 2029. It further provides definitions and a formula for computation of franchise fees, specifies that Franchisee shall pay any possessory interest taxes and deletes reference to rate regulation by the City.  
(Districts 2, 3, 4, parts of 7 and 8.)

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: H125-I545.)

Hearing began at 5:08 p.m. and halted at 6:17 p.m.

Testimony in opposition by Howard Jaffe, John Braehler, Keith Whitcomb, Paul Levine and Martin Olphaum.

Motion by Henderson to (1) Direct the City Manager to retain a qualified accounting or cable-TV review consultant to examine the City's franchise agreement with Cox Cable; (2) Request the City Attorney to review the 1987 Sacramento, California Federal District court decision which invalidated a monopoly cable-TV franchise in that community, and present a written analysis to the City Council; (3) Refer today's item and future reports on this topic to be heard initially at the Rules Committee; and (4) Provide information to San Diego consumers on this issue through a utility bill insert in areas served by Cox Cable within 90 days. Motion withdrawn.

MOTION BY HENDERSON TO CONTINUE TO JULY 24, 1989 TO ALLOW CITY ATTORNEY STAFF TIME TO COMPLY WITH COUNCIL DIRECTION TO REVIEW THE 1987 SACRAMENTO, CALIFORNIA FEDERAL DISTRICT COURT DECISION WHICH INVALIDATED A MONOPOLY CABLE-TV FRANCHISE IN THAT COMMUNITY, AND PRESENT A WRITTEN ANALYSIS TO COUNCIL AND TO

REVISE THE FRANCHISE AGREEMENT AND COME BACK WITH ACCEPTABLE LANGUAGE. Second by Pratt. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea,  
Struiksma-not present, Henderson-yea, McCarty-yea, Filner-not  
present, Mayor O'Connor-yea.

MOTION BY PRATT TO SUSPEND THE RULES AND EXTEND THE MEETING.

Second by Roberts. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea,  
Struiksma-not present, Henderson-yea, McCarty-yea, Filner-yea,  
Mayor O'Connor-yea.

ITEM-340: (R-89-1622 Rev.1) ADOPTED AS RESOLUTION R-273823

19890620

(Continued from 3/7/89, Item S504, at Mr. Schempers  
request, for further review.)

Amending Council Policy 600-36 regarding "Requirements for  
Annual Adjustments to Facilities Benefit Assessments and  
Prepayment of Assessments."

(See City Manager Reports CMR-89-297 and CMR-89-69.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: I548-J356.)

Hearing began at 6:17 p.m. and halted at 6:47 p.m.

Testimony in opposition by Donald Worley.

MOTION BY WOLFSHEIMER TO ADOPT AND TO EXEMPT PHASE II OF LOT 6  
OF THE CITY PROPERTY IN EASTGATE. Second by Henderson. Passed

by the following vote: Wolfsheimer-yea, Roberts-yea,  
McColl-yea, Pratt-yea, Struiksma-not present, Henderson-yea,  
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S500: (R-89-2580) TRAILED AS UNFINISHED BUSINESS TO  
JUNE 26, 1989 DUE TO A LACK OF A QUORUM

Directing the Intergovernmental Relations Department to  
oppose the appropriation of \$5.79 million for purposes of  
an offroad vehicle park and to explore obtaining this  
funding for the City's priorities related to gang violence  
and drugs as listed in the City Council's declaration of a  
state of emergency; requesting that the Director of the  
Intergovernmental Relations Department have the City's  
Sacramento representative inform state legislators of the  
City's concern.

(Otay Mesa Community Area. District-8.)

INTERGOVERNMENTAL RELATIONS DEPARTMENT SUPPORTING  
INFORMATION:

The Intergovernmental Relations Department (IRD) learned on Monday, June 5, that the California State Assembly was considering approving a \$5.79 million budget augmentation, which

was subsequently approved, to fund the lease of property in Otay Mesa and develop an offroad vehicle (ORV) park. This item is now before the Conference Committee to resolve differences between the Senate and Assembly budget bills. The augmentation was carried by Assemblywoman Carol Bentley and the late Assemblyman Bill Bradley. IRD was informed late Wednesday that this augmentation is supported by the County Board of Supervisors. At the Rules Committee meeting of June 7, 1989, the City Manager and IRD expressed concerns about the effect of dedicating this property to such a land use during a time when there are many proposed projects being considered by surrounding jurisdictions for the Otay Mesa region. The City Manager requested that the IRD Director and Manager be directed to meet with County staff to explore possible problem areas and to direct IRD to have our Sacramento representative inform state legislators of our concern. However, the Rules Committee, by a vote of 5-0 (McColl-not present), directed IRD to oppose appropriating \$5.79 million for purposes of an ORV park and to explore obtaining this funding for our priorities related to gang violence and drugs as listed in the City Council's declaration of a state of emergency in San Diego.

NOTE: Council will consider this item today if Item S405 of 6/19/89 is adopted.

FILE LOCATION:    - -

COUNCIL ACTION:    (Tape location: K496-L082.)

ITEM-S501:

(Continued from the meetings of May 30, 1989, Item S402, and June 12, 1989, Item 203; last continued at Council Member Struiksma's request, for further review.)

Two actions relative to the Mira Mesa Facilities Benefit Assessment:

(See City Manager Report CMR-89-240. Located east of I-805 in North Central San Diego. Mira Mesa Community Area. District-5.)

Subitem-A:    (R-89-2268)    CONTINUED TO JULY 24, 1989

Approving the document entitled "Mira Mesa Public Facilities Financing Plan and Facilities Benefit Assessment, February, 1989".

Subitem-B: (R-89-2304) CONTINUED TO JUNE 26, 1989

Resolution of Intention to designate an area of benefit in Mira Mesa and setting the time and place for holding a public hearing.

COMMITTEE ACTION: Reviewed by TLU on 5/22/89.

Recommendation to accept the City Manager's input and refer to the City Council with direction to the City Manager to address Council Member Struiksma's recommendations regarding pedestrian bridges, transit, open space acquisition and rehabilitation, landscaping of center islands on streets, developing linkage between Scranton Road and Linda Vista Sorrento Parkway. The Committee also recommended that Council continue the item for one or two weeks to allow Council Member Struiksma to be present at the Council meeting. Districts 1, 2, 4 and 5 voted yea. District 8 not present.

FILE LOCATION: STRT - FB-12

COUNCIL ACTION: (Tape location: H028-068.)

MOTION BY STRUIKSMA TO (1) CONTINUE THE RESOLUTION OF INTENTION FOR THE MIRA MESA FACILITIES BENEFIT ASSESSMENT TO MONDAY, JUNE 26, 1989; (2) DIRECT THE CITY MANAGER TO: (A) INCLUDE IN THE FACILITIES BENEFIT ASSESSMENT PEDESTRIAN BRIDGES OVER BLACK MOUNTAIN ROAD AT CAPRICORN WAY AND AT MIRAMAR COMMUNITY COLLEGE IN AN APPROPRIATE FISCAL YEAR; (B) INCLUDE IN THE FACILITIES BENEFIT ASSESSMENT ACQUISITION OF A RESOURCE BASED PARK WESTERLY OF I-15 IN THE VICINITY OF MERCY ROAD INCLUDING ANY APPROPRIATE ADJUSTMENTS TO THE PAYMENT SCHEDULES INVOLVED IN ACQUIRING OTHER LANDS FOR PARK PURPOSES; (C) INCLUDE IN THE FACILITIES BENEFIT ASSESSMENT \$250,000 FOR A LIGHT RAIL TRANSIT EXTENSION STUDY TO BE FUNDED IN FISCAL YEARS 1990 AND 1991 (\$125,000 FOR EACH FISCAL YEAR); (D) ADD TO THE FINANCING PLAN THE CONCEPT OF A MAJOR TRANSIT CENTER IN THE WESTERN MIRA MESA AREA; (E) ADD A PROJECT TO THE FINANCING PLAN THAT WOULD PROVIDE MEDIAN IMPROVEMENTS IN THE FORM OF LANDSCAPING AND LIGHTING TO MIRAMAR ROAD THROUGH THE MIRA MESA COMMUNITY; (F) INCLUDE IN THE FACILITIES BENEFIT ASSESSMENT THE ROADWAY LINKING SCRANTON ROAD

AND VISTA SORRENTO PARKWAY; (3) DIRECT THAT THE COST OF THE ENTIRE PARKS PROGRAM BE ALLOCATED, ON AN EQUITABLE BASIS, TO BOTH RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT; (4) DIRECT THAT THE CONSTRUCTION OF LOPEZ RIDGE PARK (PROJECT 15-67) BE MOVED UP TO FISCAL YEAR 1990, CONDITIONED UPON IT BEING A TURNKEY OPERATION WITH A REIMBURSEMENT AGREEMENT FOR FISCAL YEAR

1991 OR LATER; (5) DIRECT THAT THE DESIGN AND CONSTRUCTION OF THE MIRA MESA LIBRARY BE MOVED UP TO FISCAL YEARS 1991 AND 1992

TO REFLECT THE CONDITIONS OF THE DEVELOPMENT AGREEMENTS WITH AMERICAN NEWLAND ASSOCIATES (DOCUMENT NO. OO-17191) AND PARDEE CONSTRUCTION COMPANY (DOCUMENT NO. OO-17178); (6) DIRECT STAFF TO ENSURE THAT STREET MEDIAN PROJECTS ARE CONSISTENT WITH COMMUNITY PLAN LANGUAGE REGRADING LIGHTING AND LANDSCAPING; (7) DIRECT STAFF TO ADD A PROJECT TO WIDEN BLACK MOUNTAIN ROAD FROM GALVIN AVENUE TO A POINT APPROXIMATELY 500 FEET TO THE NORTH TO PROVIDE A THIRD S/B LANE IN FISCAL 1990; AND (8) DIRECT THE CITY CLERK TO RESERVE TIME ON THE JULY 24, 1989 CITY COUNCIL DOCKET FOR THE PURPOSE OF ADOPTING A RESOLUTION APPROVING THE MIRA MESA PUBLIC FACILITIES FINANCING PLAN AND FACILITIES BENEFIT ASSESSMENT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

Jun-20-1989

ITEM-S502: WELCOMED

Welcoming Dr. Ngoy Kisula of Zaire who will be visiting the City Council meeting accompanied by an interpreter from the United States State Department. Dr. Kisula will arrive at approximately 9:00 a.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A034-051.)

ITEM-CS-1: (R-89-2623) ADOPTED AS RESOLUTION R-273819

A Resolution adopted by the City Council in Closed Session on June 20, 1989:  
Authorizing the City Manager to pay the sum of \$120,000 in the settlement of City of San Diego v. Frank Derango, et al.



Aud. Cert. 8901091.

FILE LOCATION: MEET

ITEM-CS-2: (R-89-2618) ADOPTED AS RESOLUTION R-273820

A Resolution adopted by the City Council in Closed Session on June 20, 1989:

Authorizing the City Manager to pay the total sum of \$74,210 in settlement of each and every claim against the City, its agents and employees, resulting from the personal injury to Nathaniel Bowden; authorizing the City Auditor and Comptroller to issue two checks, one in the amount of \$29,210 made payable to Transamerica Annunity Service, and one check in the amount of \$45,000 made payable to Nathaniel Bowden and David R. Ribeiro, his attorney.

Aud. Cert. 8901054.

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

ITEM-PC-1: REFERRED TO THE CITY MANAGER

Public comment by Don Roe, representative of Calpirg Reports, regarding consumer protection services.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: C041-064.)

ADJOURNMENT:

The meeting was adjourned by Mayor O'Connor at the request

of Attorney Bromfield due to a lack of a quorum.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: L082).